

STAFF REPORT

Meeting Date: December 4, 2002

TO: LAFCO Commissioners

FROM: Everett Millais, Executive Officer

SUBJECT: LAFCO 01-12 A2 City of San Buenaventura Reorganization - SCE –
Extension of Time Request

RECOMMENDATION:

Adopt the attached resolution granting an extension of time to December 31, 2003 for completion of proceedings for LAFCO 01-12 City of San Buenaventura Reorganization– SCE.

DISCUSSION:

LAFCO approved the proposal titled LAFCO 01-12 City of San Buenaventura Reorganization– SCE on June 13, 2001. The territory involved is located at the southeasterly corner of the intersection of Victoria Avenue and Olivas Park Drive in the City of San Buenaventura's sphere of influence, and includes the complete intersection of Victoria Avenue and Olivas Park Drive. One of the terms and conditions of the LAFCO resolution approving the reorganization stated: "This reorganization shall not be recorded until and unless the County of Ventura provides written certification to the Executive Officer that the proposal area consists of legal lots within the County." The original staff report and LAFCO resolution are attached.

Government Code Section 57001 states:

"If a certificate of completion for a change of organization or reorganization has not been filed within one year after the

COMMISSIONERS AND STAFF

COUNTY Steve Bennett, Chair Kathy Long <i>Alternate:</i> Judy Mikels	CITY <i>Vacant</i> John Zaragoza <i>Alternate:</i> Evaristo Barajas	SPECIAL DISTRICT Jack Curtis John Rush <i>Alternate:</i> Dick Richardson	PUBLIC Louis Cunningham, Vice Chair <i>Alternate:</i> Kenneth M. Hess
EXECUTIVE OFFICER Everett Millais	PLANNER III Hollie Brunsky	CLERK Debbie Schubert	LEGAL COUNSEL Noel Klebaum

commission approves a proposal for that proceeding, the proceeding shall be deemed abandoned unless prior to the expiration of that year the commission authorizes an extension of time for that completion. The extension may be for any period deemed reasonable to the commission for completion of necessary prerequisite actions by any party.”

The condition requiring notification that the territory consists of legal lots was not met within the one year time, but prior to the expiration date the Commission granted a six month extension of time, to December 13, 2002.

During the last several months it became known that representatives for Southern California Edison (SCE), the property owner, had not filed the appropriate application materials with County Planning, and that the requirement for a legal lot (which requires that a conditional certificate of compliance be recorded) could not be met by the December 13, 2002 deadline. Because of this, the City of San Buenaventura has filed a request for another six-month extension of time for completion of LAFCO proceedings.

Staff has met with SCE’s representatives and County Planning staff to review this matter. At a recent meeting SCE’s representatives indicated they understood everything required for filing for a conditional certificate of compliance and would soon be submitting an application and all required materials. As of the writing of this staff report, however, no application has been filed.

There is no apparent reason why the necessary application could not have been filed by now, or why the LAFCO legal lot condition could not have been met within the almost 18 months that have elapsed since the reorganization was first approved. If and when an acceptable application is filed, however, County Planning staff has indicated that given current workloads it will take more than six months for a conditional certificate of compliance for a legal lot to be recorded.

Even though neither the City nor SCE have been motivated to cause the completion of proceedings to occur by now, providing additional time for this reorganization to be recorded remains appropriate. Circumstances in the area have not changed since the original approval in June 2001. The area is within the Sphere of Influence of the City of Buenaventura and does not affect agricultural or open space lands. This reorganization will provide for all of Victoria Avenue, including all of the bridge over the Union Pacific Railroad, and all of the Victoria Avenue and Olivas Park Drive intersection to be in the City of San Buenaventura, rather than being jurisdictionally split for maintenance and liability between the City and County. If this request were to be denied the property owner and the City would be required to start the process all over again. This would not be in the best interest of any of the parties. In order to provide everyone with sufficient time and to not further burden the LAFCO calendar, an extension of time to December 31, 2003 is recommended.

ALTERNATIVES TO THE RECOMMENDATION - ACTIONS AVAILABLE:

- A. If the Commission, following public testimony and the review of the materials submitted, determines that further information is necessary, a motion to continue the matter should state specifically the type of information desired and specify a date certain for further consideration.
- B. If the Commission, following the public testimony and review of materials submitted wishes to deny the extension of time request, a motion to deny should include adoption of all referenced materials as part of the public record.

Attachments:

- 1. Resolution 01-12-A2 approving an extension of time to December 31, 2003
- 2. Vicinity Map
- 3. June 13, 2001 staff report and resolution for LAFCO 01-12

LAFCO 01-12-A2
RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION APPROVING AN EXTENSION
OF TIME FOR THE COMPLETION OF PROCEEDINGS
FOR LAFCO 01-12 CITY OF SAN BUENAVENTURA
REORGANIZATION - SCE

WHEREAS, the Ventura Local Agency Formation Commission (LAFCO) approved the City of San Buenaventura Reorganization - SCE on June 13, 2001; and

WHEREAS, Government Code Section 57001 requires that a certificate of completion be recorded within one year after LAFCO approved the reorganization proposal, unless extended by LAFCO; and

WHEREAS, LAFCO on June 12, 2002, based on a prior request by the City of San Buenaventura, approved a six month extension of time for completion of proceedings, to December 13, 2002; and

WHEREAS, the City of San Buenaventura has submitted a request to LAFCO to extend the time for the recordation of a certificate of completion for another six-month time period so that all terms and conditions of the LAFCO approval can be satisfied; and

WHEREAS, the request was submitted prior to the expiration of the extended time limit approved by LAFCO, and all LAFCO fees have been paid; and

WHEREAS, application processing times with the County Planning Department necessary for all terms and condition to be met may exceed six months; and

WHEREAS, circumstances in the area have not changed and no new issues or impacts have been raised since LAFCO's approval of the reorganization proposal which were not known and considered at the time of approval; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the requested extension of time, including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, LAFCO finds the requested extension of time to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Ventura Local Agency Formation Commission as follows:

- (1) The Executive Officer's Staff Report and Recommendation dated December 4, 2002 is adopted.

- (2) The time for recording a certificate of completion to complete proceedings for LAFCO 01-12 City of San Buenaventura Reorganization - SCE is hereby extended to December 31, 2003.
- (3) All provisions, terms and conditions of the resolution approving LAFCO 01-12, dated June 13, 2001, shall remain in effect.

This resolution was adopted on December 4, 2002.

AYES:

NOES:

ABSTAINS:

Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: City of San Buenaventura
Ventura County Assessor
Ventura County Auditor
Ventura County Elections
Ventura County Surveyor
Ventura County Planning
Ventura County Traffic Division
Southern California Edison



STAFF REPORT

June 13, 2001

PROPOSAL: LAFCO 01-12 – City of San Buenaventura Reorganization– SCE; Annexation to the City of Ventura, Detachment from the Ventura County Fire Protection District and Detachment from the Ventura County Resource Conservation District

PURPOSE: To annex the area to the City of Ventura in order to provide services for future commercial/industrial mixed development consistent with the City's Comprehensive Plan.

PROPONENT: City of San Buenaventura by Resolution.

SIZE: 32.08 acres gross; approximately 19.49 acres net (without streets)

LOCATION: The proposal area is located at the northeasterly corner of the intersection of Olivas Park Drive and Victoria Avenue, including the complete street intersection of Victoria Avenue and Olivas Park Drive, in the Ventura Area of Interest.

**ASSESSOR'S
PARCEL NO.S:** Assessor's Parcel Nos. 138-0-220-045 and 055

NOTICE: This matter has been noticed in the manner prescribed by law.

RECOMMENDATION:

Adopt the attached resolution (LAFCO 01-12) making determinations and approving the City of San Buenaventura Reorganization – SCE.

COMMISSIONERS AND STAFF:

COUNTY: Kathy Long Steve Bennett, Vice Chair Judy Mikels, Alternate	CITY: John Zaragoza Linda Parks Evaristo Barajas, Alternate	PUBLIC: Louis Cunningham Kenneth M. Hess, Alternate	SPECIAL DISTRICT: John Rush, Chair Jack Curtis Dick Richardson, Alternate
EXECUTIVE OFFICER: Everett Millais	PLANNER III: Hollie Brunsky	CLERK: Debbie Schubert	LEGAL COUNSEL: Noel Klebaum

GENERAL ANALYSIS:

1 Land Use:

A. Site Information

	Existing	Proposed
Zone District Classification	A-E (Agricultural Exclusive), County	MXD (Mixed Use), City
General Plan Designation-	Agricultural – Urban Reserve Overlay, County	Planned Mixed Use Development, City
Use of Proposal Area	Agriculture (row crops) and Southern California Edison utility towers and power transmission lines	Actual future use is not known; the concept plan reviewed by the City of Ventura was for a mixed commercial/industrial project consisting of up to 210,100 square feet of building area and 776 parking spaces.

B. Surrounding Land Uses and Zoning and General Plan Designations

	Zone District Classification	General Plan Designation	Existing Use
North	M-1 (Light Industrial), City	Existing Urban, City	Railroad right of way, public street and industrial
South	A-E (Agricultural Exclusive), County	Agricultural, County	Agriculture
East	MPD (Manufacturing Planned Development), City	Existing Urban, City	Business park industrial
West	A-E (Agricultural Exclusive), County	Agricultural, County	Agriculture

C. Topography, Natural Features and Drainage:

The proposal area is generally level in topography, except for Victoria Avenue which rises from the Victoria/Olivas Park Drive intersection at the south to a railroad overcrossing on the north. The subject area contains no significant natural features and has no special drainage characteristics.

D. Conformity with Plans

The proposal area is located within the unincorporated area of the County but within the City's Sphere of Influence. The site is not located within any greenbelt area. The proposal conforms with the City's Comprehensive Plan.

2. Impact on Prime Agricultural Land, Open Space and Agriculture:

Approximately 10.18 acres of the proposal area (APN 138-0-220-045) is being used for agriculture and meets the definition of prime agricultural land pursuant to Government Code Section 56064. This area, however, has long been within the City's Sphere of Influence and designated for future development. In recognition of this fact the County's General Plan has an Urban Reserve overlay designation. The 10.18 acre area is separated from other agricultural lands to the south and west by two major arterial streets and is, thus, compromised as being viable for on-going agriculture. Note, however, that the 10.18 area is part of a larger parcel that crosses Olivas Park Drive to the south and which should be created as a legally separate lot (see discussion under Section 5 – Boundaries and Lines of Assessment).

The area is not under a Williamson Land Conservation Act contract.

The proposal area is not considered as open space as defined in Government Code Section 65560 (part of State law relating to planning and zoning).

3. Population:

The proposal area is undeveloped and there are no registered voters in the proposal area. Thus, the site is considered uninhabited. Upon annexation to the City of Ventura the proposal area will remain uninhabited.

4. Services and Controls – Need, Cost, Adequacy and Availability:

Upon annexation the City has represented that the full range of City services, including water supply, sewage disposal, drainage, law enforcement, fire protection, and street lighting, will be provided. Utility improvements can be extended from existing lines within the vicinity of the proposal area. Costs for extending any needed services will be the responsibility of a future developer.

5. Boundaries and Lines of Assessment:

The boundaries are definite and certain. There are no conflicts with lines of assessment. The County Planning Department, however, has indicated that APN 138-0-220-045 (a 10.18 acre portion of the proposal area) is an illegally created lot, and is actually part of a larger lot that extends southerly across Olivas Park

Drive to the Santa Clara River. The Utsuki Company, the owners of this lot, were notified in 1996 of this illegal circumstance, but correction has yet to occur. In order to have this matter corrected, a condition is included in the recommended resolution requiring that the proposal area consist of legal lots in the County prior to the recordation of the reorganization.

A map sufficient for filing with the State Board of Equalization has been received from the proponents.

6. Assessed Value, Tax Rates and Indebtedness:

The proposal is presently within tax rate areas 91003 (tax rate of \$1.040096 per \$100 of assessed valuation for land and improvements). Upon completion of the reorganization the area will be assigned to a new tax rate area.

The proposals involve two Assessor's Parcels. The total assessed value for each entire parcel per the 2000-2001 tax roll is:

APN 138-0-220-045: \$227,283

APN 183-0-010-325: \$0 on local roles; owned by Edison and valued by the State

7. Environmental Impact of the Proposal:

The City of Ventura is the lead agency for this proposal. The City prepared and certified a Mitigated Negative Declaration for the project. Mitigation measures were adopted to reduce potentially significant impacts to less than significant thresholds in the following areas: aesthetics, air quality, cultural resources, hazards, land use, utilities, and transportation/circulation. A copy of the mitigation measures and the mitigation monitoring program adopted by the City is attached.

8. Landowner and Agency Consent:

The City certifies that all property owners involved in this proposal have given their written consent and consent has been obtained from the detaching agencies (Ventura County Fire Protection District and the Ventura County Resource Conservation District). Thus, LAFCO is requested to proceed without special notice, hearings or elections.

ALTERNATIVE ACTIONS AVAILABLE:

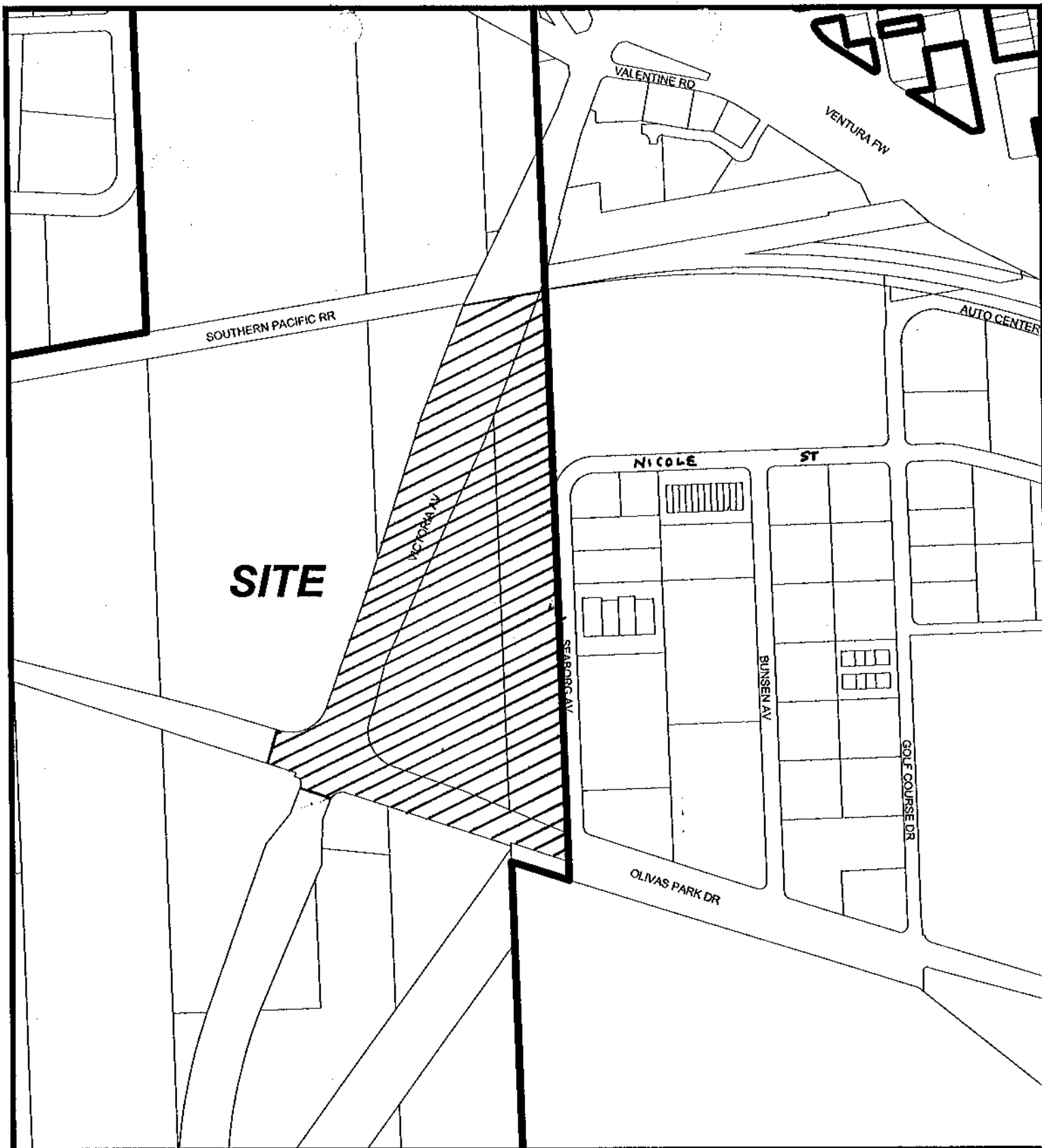
- A. If the Commission, following public testimony and the review of the materials submitted, determines that further information is necessary, a motion to continue

should state specifically the type of information desired and specify a date certain for further consideration.

- B. If the Commission, following public testimony and review of materials submitted with this application wishes to deny or modify this application, a motion to deny should include adoption of this Report and all referenced materials as part of the public record.

BY: _____
Everett Millais, Executive Officer

Attachments: (1) vicinity map; (2) LAFCO 01-12 Resolution; (3) City of Ventura mitigation measures and monitoring program



COUNTY SURVEYOR
ENGINEERING SERVICES
WATER RESOURCES/ENGINEERING
PUBLIC WORKS AGENCY

LAFCO 01-12
CITY OF SAN BUENAVENTURA
REORGANIZATION- SCE

6/5/2001



1"= 500"

LAFCO 01-12

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS
AND APPROVING THE CITY OF SAN BUENAVENTURA
REORGANIZATION – SCE; ANNEXATION TO THE CITY
OF VENTURA; DETACHMENT FROM THE VENTURA
COUNTY FIRE PROTECTION DISTRICT; DETACHMENT
FROM THE VENTURA COUNTY RESOURCE
CONSERVATION DISTRICT**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Ventura Local Agency Formation Commission pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (Section 56000 of the California Government Code); and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the public hearing by the Commission on the proposal; and

WHEREAS, the proposal was duly considered on June 13, 2001, as specified in the notice of hearing; and

WHEREAS, the Commission, discussed and considered all oral and written testimony for and against the proposal including, but not limited to, the LAFCO Executive Officer's Staff Report and recommendation, the environmental document or determination, Sphere of Influence and applicable General and Specific Plans; and

WHEREAS, information satisfactory to the Commission has been presented that all the owners of land within the affected territory have given their written consent to the proposal; and

WHEREAS, information satisfactory to this Commission has been presented that all agencies having land detached within the affected territory have given their written consent for the proposal; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Ventura County;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

- (1) The LAFCO Executive Officer's Staff Report and Recommendation for approval of the proposal dated June 13, 2001 is adopted.
- (2) Said Reorganization as set forth in Exhibit A and attached hereto is hereby approved as submitted.
- (3) Said territory is found to be uninhabited.
- (4) The subject proposal is assigned the following distinctive short form designation:

**LAFCO 01-12 City of San Buenaventura Reorganization
– SCE**

- (5) The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A attached hereto and made a part hereof.
- (6) The Commission has reviewed and considered the information contained in the Mitigated Negative Declaration and adopts the lead agency's Mitigation Measures and makes a specific determination that the significant issues and proposed Mitigation Measures as adopted by the lead agency adequately address the project [Sections 15091, 15093, and 15096(h)].
- (7) The Commission directs staff to file a Notice of Determination in the same manner as a lead agency under Section 15094.
- (8) The proposal is subject to the following term and condition:

This reorganization shall not be recorded until and unless the County of Ventura provides written certification to the Executive officer that the proposal area consists of legal lots within the County.

- (9) The Commission determines that the project is in compliance with Government Code Section 56741 as the territory to be annexed is located within one county and is contiguous with the city boundaries of San Buenaventura.

- (10) The Commission waives any conducting authority proceedings, since satisfactory proof has been given that the subject property is uninhabited, that all landowners within the affected territory have given their written consent to the proposal, and that all affected agencies that will gain or lose territory as a result of the proposal have consented in writing to the waiver of conducting authority proceedings. [Government Code Section 56663].

This resolution was adopted on June 13, 2001.

AYES: Commissioners Long, Bennett, Cunningham, Curtis, Zaragoza, Parks and
Chair Rush

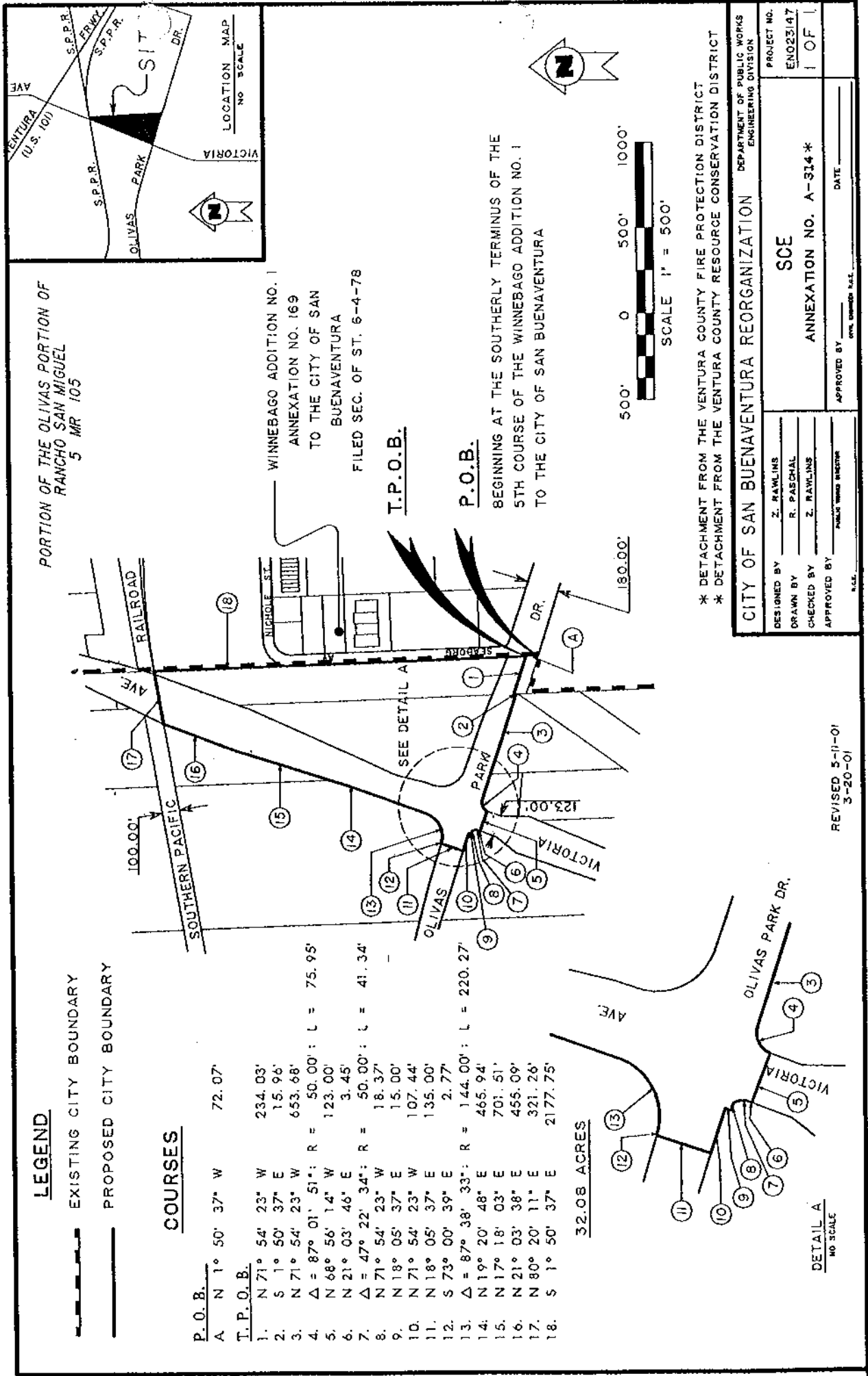
NOES: None

ABSTAINS: None

Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: City of Ventura, Clerk
Assessor
Auditor
Elections
Surveyor

EXHIBIT A 01-12



**CITY OF SAN BUENAVENTURA REORGANIZATION
SCE**

**CITY OF SAN BUENAVENTURA ANNEXATION NO. A-314;
DETACHMENT FROM THE VENTURA COUNTY RESOURCE
CONSERVATION DISTRICT AND THE VENTURA
COUNTY FIRE PROTECTION DISTRICT**

01-12

That portion of the Olivas Portion of Rancho San Miguel, in the County of Ventura, State of California, as shown on the map recorded in the office of the County Recorder of said County, in Book 5, Page 105 of Miscellaneous Records, described as follows:

Beginning at a point in the southerly line of Olivas Park Drive, 180.00 feet wide, said point being the southerly terminus of the 5th course of the Winnebago Addition No. 1, Annexation No. 169 to the City of San Buenaventura, as filed with the Secretary of State on June 4, 1978; thence, along said 5th course and said southerly line North 1°50'37" West 72.07 feet to the True Point of Beginning; thence, continuing along said southerly line by the following four courses:

- 1st - North 71°54'23" West 234.03 feet; thence,
- 2nd - South 1°50'37" East 15.96 feet; thence,
- 3rd - North 71°54'23" West 653.68 feet to the beginning of a curve concaved southeasterly and having a radius of 50.00 feet; thence, along said curve,
- 4th - Westerly, southwesterly, and southerly 75.95 feet through a central angle of 87°01'51" to the easterly line of Victoria Avenue, 123.00 feet wide; thence, leaving said easterly line,
- 5th - North 68°56'14" West 123.00 feet to the westerly line of said Victoria Avenue; thence, along said westerly line by the following two courses:
- 6th - North 21°03'46" East 3.45 feet to the beginning of a curve concaved westerly and having a radius of 50.00 feet; thence, along said curve,
- 7th - Northerly, and northwesterly 41.34 feet through a central angle of 47°22'34" to the southerly line of said Olivas Park Drive; thence, along said southerly line by the following three courses:
- 8th - North 71°54'23" West 18.37 feet; thence,
- 9th - North 18°05'37" East 15.00 feet; thence,

- 10th - North 71°54'23" West 107.44 feet; thence, leaving said southerly line of said Olivas Park Drive,
- 11th - North 18°05'37" East 135.00 feet to the northerly line of said Olivas Park Drive; thence, along said northerly by the following two courses:
- 12th - South 73°00'39" East 2.77 feet to the beginning of a curve concaved northwesterly and having a radius of 144.00 feet; thence, along said curve,
- 13th - Easterly, northeasterly, and northerly 220.27 feet through a central angle of 87°38'33" to the westerly line of said Victoria Avenue; thence, along said westerly line by the following three courses:
- 14th - North 19°20'48" East 465.94 feet; thence,
- 15th - North 17°18'03" East 701.51 feet; thence,
- 16th - North 21°03'38" East 455.09 feet to the southerly line of Southern Pacific Railroad, 100.00 feet wide; thence, along said southerly line,
- 17th - North 80°20'11" East 321.26 feet to the existing boundary of said City of San Buenaventura; thence, along said boundary,
- 18th - South 1°50'37" East 2177.75 feet to the point of beginning and containing 32.08 acres.